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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOHN GILBERT,	)
	)
Plaintiff,	)
	)
vs.	)
	)
APC NATCHIQ, INC.	)
	)
Defendants.	)
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	) Case No. A03-0174CV (RRB)

**ATTORNEY'S REQUEST FOR HEARING AND REPLY TO DEFENDANT'S**

**REPLY TO PLAINTIFF'S RESPONSE TO ORDER REGARDING CALCULATIONS  
OF MONEYS OWED AT DOCKET 110**

Defendant insists that Gilbert's daily salary must be annualized in order to properly calculate the moneys owed Gilbert.

Piquini Mgmt. Co. v. Reeves, 965 P 2d 732 (Alaska 1988) nowhere says that a salary needs to be annualized in order to calculate overtime damages. The fact was that in Piquini, Reeves was paid on an annual salary.

The defendant claims that Piguniq requires annualization of daily salary is just plain wrong.<sup>1</sup>

The defendant's argument is unfounded in law.

Should the court decide that annualization of the salary is appropriate, then the Court ought to take Gilbert's daily salary and multiple it by 365 and continue the calculation thereon.

The defendant's argument is unfounded in logic, in that the hourly rate they arrive at is lower than even one of the claimed rates it was paying Gilbert on one of its personnel documents.

Plaintiff requests the court sign the order that plaintiff has submitted. In alternative, if the court is inclined towards defendant's skewed interpretations of case law and regulation, plaintiff suggests the court needs to certify this question to the State Court(s).

Plaintiff's counsel is unavailable for oral argument March 5 through March 25.

RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of February, 2007.

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been  
Electronically sent to the following attorney(s):

**Patricia Zobel**  
**DeLisio Moran Geraghty & Zobel**  
**943 W. 6<sup>th</sup> Ave.**  
**Anchorage, AK 99501**

Dated: 02/26/06

By: /s/ Joyce Shoults  
Joyce Shoults for Kenneth L. Covell

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<sup>1</sup> 8 AAC 15.100(a) says "the regular rate is an hourly rate figured on a weekly basis." The regulation says nothing about annualizing salary.